

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

2000 DODGE DURANGO, OREGON LICENSE
PLATE 130EMF, VIN:
1B4HS28ZXYF291043,

Defendant.

No. CV-12-5156-EFS

FINAL ORDER OF FORFEITURE

Plaintiff United States of America previously alleged in a Verified Complaint for Forfeiture *In Rem*, ECF No. 1., that the Defendant vehicle is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property being forfeited is described as follows:

2000 Dodge Durango, Oregon license plate 130EMF, VIN: 1B4HS28ZXYF291043, seized on or about January 19, 2012, in Weston, Oregon, by the Federal Bureau of Investigation, pursuant to a federal search warrant.

Id. On November 30, 2012, the Clerk's office issued the Warrant of Arrest *In Rem*, pursuant to the Court's order of the same date. ECF No. 3. On December 11, 2012, the Warrant of Arrest *In Rem* was returned executed. ECF No. 5.

1 Notice of Civil Forfeiture Action was posted on the official
2 government website from November 23 to December 22, 2012, as required
3 by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
4 Maritime Claims and Asset Forfeiture Actions, and as evidenced by the
5 Notice of Publication filed on August 23, 2012. ECF Nos. 8, 8-1 & 8-
6 2. The claim period thus expired no later than January 22, 2013.

7 On or about December 12, 2012, Michael Anthony Watts was served
8 – via certified mail, return receipt requested, in care of his
9 attorney, Robert G. Klahn – with a copy of the Verified Complaint for
10 Forfeiture *In Rem*, Warrant of Arrest *In Rem*, and Notice of Complaint
11 for Forfeiture. ECF Nos. 6 & 6-1. Based upon the direct notice's
12 service date, the last date to file a timely claim was January 16,
13 2013. To date, no claim of interest has been received or filed with
14 the Court from Michael Anthony Watts. On February 7, 2013, the United
15 States served and filed its Notice of Motion for Default. ECF No. 7.
16 On February 26, 2013, the United States filed a Motion for Default.
17 ECF No. 9. On February 27, 2013, the Clerk entered a default order as
18 to Michael Anthony Watts. ECF No. 10.

19 On or about June 14, 2012, Alethea Sibbitt entered into a Plea
20 Agreement in the related criminal matter, *United States v. Sibbett*,
21 No. CR-11-181-WFN-5 (E.D. Wash.), in which she warranted that she had
22 an interest in the Defendant 2000 Dodge Durango, withdrew her claim in
23 the FBI administrative forfeiture, and agreed to the forfeiture of the
24 Defendant vehicle. *Id.*, ECF No. 395, at 9.

25 On or about January 3, 2013, Clayton Douglas Sibbitt entered
26 into a Plea Agreement in the related criminal matter, *United States v.*

1 Sibbett, No. CR-11-181-WFN-2 (E.D. Wash.), in which he warranted that
2 he had an interest in the Defendant 2000 Dodge Durango, withdrew his
3 claim in the FBI administrative forfeiture, and agreed to the
4 forfeiture of the Defendant vehicle. *Id.*, ECF No. 704, at 8.

5 Thus, it appears to the Court that any and all potential
6 claimants' interest in the defendant property has been resolved
7 through the entry of the Clerk's Order of Default as to Michael
8 Anthony Watts and the Plea Agreements of Alethea Sibbett and Clayton
9 Douglas Sibbett. It also appears that no other timely claims have
10 been made to the defendant property.

11 Accordingly, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

12 1. Plaintiff's Motion for Entry of the Final Order of
13 Forfeiture, **ECF No. 11**, is **GRANTED**.

14 2. The defendant property identified above is hereby forfeited
15 to the United States of America, and no right, title, or
16 interest shall exist in any other person.

17 3. The United States shall dispose of the forfeited defendant
18 property in accordance with the law.

19 4. The Clerk's Office is directed to **ENTER JUDGMENT** for
20 Plaintiff and **CLOSE** this file.

21 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
22 Order and provide copies to all counsel.

23 **DATED** this 12th day of April 2013.

24
25 s/Edward F. Shea
EDWARD F. SHEA
26 Senior United States District Judge